

“Child abuse means a physical injury which is inflicted by other than accidental means on a child by another person.” (Penal Code, §11165.6)



Child Abuse

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Child abuse is a serious problem. Thousands of children are abused or neglected every day, most often by the people they depend on to take care of them – their own families. It is estimated that three children die each day in this country as a result of abuse or neglect.

New research shows that children exposed to violence, either as a witness or victim, are more likely to become juvenile and adult offenders. In fact, 33 - 77% of families living with domestic violence also experience child abuse. This exposure has a potentially long term impact on a child's emotional and physical well-being. California has recognized this issue as a priority. The State Legislature continues to work on measures and solutions that protect those most vulnerable – our children.

Identification of child abuse is an important first step in strengthening our efforts in prevention and early intervention with young people and troubled families. The following information is designed to help you identify the symptoms of abuse and understand how to report incidents responsibly.

Together, we can stop the abuse and give our children the chance to live happy, productive lives. Every child who is the victim of abuse or neglect is one child too many.

SENATOR GLORIA ROMERO
Twenty-Fourth Senate District

What is Child Abuse?

There is a misconception among many that child abuse is defined as having only physical implications. In reality, child abuse is legally defined as:

Willful cruelty or unjustified punishment

– causing, inflicting or permitting unjustified physical pain or mental suffering.

Physical neglect – the negligent treatment or maltreatment of a child by a person responsible for the child's welfare. This means the failure to provide adequate food, clothing, shelter, medical care, or supervision. Although severe malnutrition and signs of abuse can be evident, physical injury need not occur.

Sexual abuse – this includes lewd touching, molestation, any sexual assault, incest and exploitation.

Abuse in out-of-home care – this includes intentional injury, sexual abuse, willful cruelty, unjustified punishment, or neglect by a foster parent or by an administrator or employee of a school, home, or child care agency.

Physical abuse

The type and location of an injury can help distinguish accidental injuries from suspected physical abuse. Injuries on the back surface of the body from the neck to the knees constitute the largest percentage of identified abuse. Injuries from abuse are not typically located on the shins, elbows, knees or on the forehead.

Physical Indicators

Bruises, burns, abrasions, lacerations, or swelling caused by other than accidental means

Belt buckle marks, handprints, bite marks, and pinches

A history of recurring injuries

Unexplained injuries, conflicting explanations or reasons for injury

Injury unusual for a specific age group

Behavioral Indicators

The following may result from child abuse, although none are definitive signs:

Child is frightened of parents/caregivers or, at the other extreme, overprotective

Child is excessively passive, compliant or fearful

Child exhibits drastic behavioral changes in and out of parent/caregiver presence

An attempt is made to hide injuries by either the child or parent/caregiver

Child is wary of physical contact with other adults

Child is apprehensive when other children cry

Neglect

California law defines two categories of neglect: **general** and **severe**. **General** means the negligent failure of a parent/caregiver to provide adequate food, clothing, shelter, medical care or supervision. **Severe** means the negligent failure of a parent or caregiver to protect the child from severe malnutrition or a medically diagnosed failure to thrive. It also includes situations where the parent/caregiver willfully causes the body or health of a child to be endangered.

One such situation extends beyond the confines of a child's home or out-of-home care. New legislation — Kaitlyn's Law — now makes it a crime to leave a child under the age of six unattended in a motor vehicle in circumstances that pose a life safety risk.

While some of the indicators listed below may exist in any home, *it is the extreme or persistent presence* of these factors that indicate a degree of neglect.

Indicators

- Child is lacking adequate medical or dental care

- Child is often sleepy or hungry

- Child is often dirty or inadequately dressed for weather conditions

- Evidence of poor supervision for the child's age

- Conditions in home are extremely or persistently unsafe or unsanitary

- Nutritional quality of food in the home is poor and child appears to be malnourished

Sexual abuse

Sexual abuse is defined as acts of sexual assault or sexual exploitation of a minor. It encompasses a broad variety of behaviors and may consist of many acts over a long period of time or a single incident. Victims can range in age from less than one year through adolescence. The nature of sexual abuse, combined with the guilt and shame felt by the victim and the possible involvement of a parent/caregiver, makes it extremely difficult for children to report.

Indicators can surface through a child's history, physical symptoms and/or behavior:

- Child reports, either directly or indirectly, sexual activities to a trusted person

- Detailed and age-inappropriate understanding of sexual behavior with either a seductive interest or fearful avoidance of close contact with others

- Knowledge that a child's injury/disease is unusual for that age group

- Child wears torn, stained or bloody underclothing

- Child is a victim of other forms of abuse

- Difficulty in walking or sitting

- Inappropriate, unusual or aggressive sexual behavior with peers or toys

- Physical trauma or irritation to the anal/genital area

Mental Suffering/ Emotional Abuse

Emotional maltreatment consists of emotional abuse and emotional deprivation or neglect. Just as physical injuries can scar, emotional abuse can similarly cripple and damage a child emotionally, behaviorally, and intellectually, and self-esteem can be damaged. A parent/caregiver can inflict emotional abuse with verbal assaults, unpredictable responses or inconsistency, continual negative moods and double-message communication.

Indicators

- Child is withdrawn, depressed and apathetic

- Displays signs of emotional turmoil such as repetitive, rhythmic movement; no verbal or physical communication

- Parent or guardian refers to the child continually as “it”

- Suffers from sleep, speech or eating disorders

- Exhibits exaggerated fearfulness

- Child is clingy and forms indiscriminate attachments

- “Acts out” and is considered a behavior problem

Who Must Report?

State law requires that any of the previously mentioned crimes against children must be reported. Professionals covered by the reporting requirements must make a report when they learn of a child or observe a child whom they reasonably suspect to be a victim of child abuse. **Reasonable suspicion** means that it is objectively reasonable for a person with training and experience to suspect child abuse based on the information in a particular case. This requirement is imposed upon them in their professional capacity and within the scope of their employment.

Among those professionals required by state law to report child abuse are teachers, child care personnel, dentists, marriage counselors, coroners, camp administrators, and physicians (*this is only a partial list*). This requirement is an individual responsibility. If two or more persons who are required to report jointly become aware of a known or suspected instance of child abuse, they may select one person to make the report. Both are still responsible, however, for ensuring that the information is reported.

The law requires professionals to report suspected child abuse by telephone immediately and to submit a written report on the form adopted by the California Department of Justice within 36 hours of acquiring information about the suspected abuse.

Your Involvement

While the law requires certain professionals to report suspicion and/or knowledge of child abuse, community members also have an important role in protecting children from abuse and neglect. The life of a child may be saved if neighbors and friends become involved and report cases of suspected child abuse.

In fact, the Sherrice Iverson Child Victim Protection Act now requires a person to notify the police if they reasonably believe that they have observed either the murder or rape of a child, or the commitment of a lewd act with a child, under the age of 14. Failure to do so is a crime.

This doesn't mean physical intervention, however. It does mean that community members have a responsibility to help by recognizing the obvious signs and reporting their suspicions.

To report suspected child abuse, contact your local:

- Police or Sheriff's Department
- County Welfare Department
- County Juvenile Probation Department

If you are uncertain about reporting suspected incidents or abuse, call your community's child abuse prevention council hotline for advice. The report can be made anonymously, provided you are not a mandatory reporter by virtue of your profession.

What Happens Next?

The primary purpose of a report is to make child protective agencies aware of possible abuse and to protect the child. Reports are investigated either by a local law enforcement agency and/or the county child welfare services agency.

Just because a family is reported for child abuse, however, does not mean that a criminal proceeding will follow. Protecting a child is an agency's primary concern, and a crime report may occur in serious abuse cases. It is still important to report — it can lead to the protection of other children in the home or provide help for the parents. Child abuse and neglect can pass from generation to generation; often, abusive parents were abused as children. In addressing the needs of abuse victims, then, it is also important to focus on the needs of the families as well.

If an agency's investigation does not reveal evidence of abuse, but possible other problems, the family is usually referred to services such as counseling or parenting classes. In neglect cases, the family may be referred to public assistance agencies. The goal of child protective agencies is to try to keep the family intact, unless the child is in danger. Various treatment programs can result in positive long-term effects for abusive parents/caregivers.

Both individual and community involvement can make a difference in the protection of our children and the prevention of abuse. It may save a life.

The life of a child may be saved if neighbors and friends become involved and report cases of suspected child abuse.

IMPORTANT NUMBERS

SafeState

California Attorney General’s Crime and
Violence Prevention Center
916/324-7863
www.safestate.org

California Child Care Resource and Referral Network

415/882-0234 or 800/543-7793

Office of Child Abuse Prevention (OCAP)

California Department of Social Services
916/445-2771
www.childsworld.ca.gov
(Emergency Response Hotline numbers for all county
Child Protective Services are available on this website)

Local Numbers/Agencies

EMERGENCY 911

Police/Sheriff _____

County Welfare Dept. _____

County Juvenile Probation Dept. _____

**Child Abuse Prevention Council Hotline
_____**

Other Important numbers

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